SHRI ALADI ARUNA *alias* V. ARUNACHALAM: There was no need for such arrests.

SHRI BUTA SINGH: place to take them was the lock up under the orders of the magistrate. If these very lockups which till recently, till yesterday, they were good, because they were manned by your Government, now they have become suffocating just overnight. Now you say they are blackholes and what not.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: I do not know whether Vellaichamy died due to suffocation or due to some other cause. May I know what was the reasons for his death?

SHRI BUTA SINGH: My advice to the hon. Member is not to go by what appears in the press alone. It can be true. It can be untrue also. What I am telling you is the factual position that they were remanded to a lockup by the magistrate. Therefore, they had to be kept there. Most of them were released and the remaining would have been released the next day. It was a very unique situation created in the country, created by some of the political parties, which happen to be ruling parties in some States. *Interruptions*). I think your accounting and your knowledge of mathematics is as defective as mine, because we are supposed to be very poor in mathematics. I did not know Mr. Chitta Basu will also be so poor because he jumps from thousands to lakhs. Normally people say that we people are used to such mathematics. But Chitta Basuji, I thought, you are more intelligent in mathematics. How could 18,000 be a lakh? Therefore, this was the most unfortunate development in our political life. The ruling parties in some States, they tried to disrupt public life causing inconvenience to the people putting the whole machinery out of gear, making the working class sit idle, thereby causing serious loss to the economy of the country. I am sure the hon. Members will be now have learnt this is a disastrous direction which must be checked and I am sure that they will co-operate with us in future. They may have serious differences, but in a democracy we have serious differences. We cannot tow the line that you want us to take, and you cannot tow the line that we want. You to take. You have your own manifasto. We have our own manifesto. That is why we are here. Otherwise, all of you would have been here on this side. Therefore, the differences are bound to be there. Let us discuss, let us mutually understand each other's policies and try to serve the people of India, which is the main cause to which every political party is pledged, whether they are extreme left or extreme right. Our sole purpose is to serve the people of India, therefore, every political party must mobilist to serve our people, who are the sovereigns. Therefore, I appeal to the hon. Members in future to desist from such violent and disruptive activities and help us in building the nation's unity and integrity. Thank you.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): We will now take up the Short Duration Discussion. Yes, Mr. J. P. Yadav.

SHORT DURATION DISCUSSION ON INCREASING INCIDENTS OF CRIME AGAINST WOMEN IN THE COUNTRY

Contd.

श्री जगदम्बी प्रसाद यादव (बिहार) : उपसभाध्यक्ष महोदय, महिलाएं जब जीवित जलती हैं पति के साथ तो सारा देश मिल कर रोष प्रकट करता है, हाय-तोबा मचाता है लेकिन जब महिलाओं के साथ बलात्कार किया जाता है तो वह जिंदा जीवन में मौत के समान है । साढ़े सात वर्ष पूर्व माया देवी के साथ जघन्य कांड हुआ और पडरिया में रात्रि के समय डेढ़ दर्जन महिलाओं के साथ सामूहिक बलात्कार हुआ । मैं शासन से कहना चाहता हूं कि सामूहिक बलात्कार की संख्या बढ़ती जा रही है । चार दशक में यह बलात्कार एक घिनौना नियम बन गया है । दूसरे दशक में बलात्कार की घटना में वृद्धि तेजी से हो रही है । 40 लाख

[श्री जगदम्बी प्रसाद यादव]

घटनायें पुलिस में दर्ज हैं । एक रिपोर्ट के अनुसार दो लाख महिलाएं हर साल बलात्कार की शिकार होती हैं । वास्तविक संख्या और अधिक है । अधिकांश घटनाएं पुलिस में दर्ज नही होतीं । उनकी सूची में नहीं है । यह घटना और भी बढ़ती जाती है । चाहे माया त्यागी कांड हो, मथुरा वाला कांड हो, हैदराबाद व सिकन्दराबाद कांड हो, छत्तरपुर वाला कांड हो जब इसके लिए आन्दोलन होता है, जब घटनाएं छप जाती हैं तब स्थिति की बुनियाद निकलती है । मैं पडरिया कांड के लिए प्रेस की प्रशंसा करना चाहता हूं । अगर प्रस स्वयं उपस्थित होकर इसकी खबर पत्र में नहीं देता तो लोग जान नहीं पाते और लोग खौफ और शर्म से सिसकते रहते । लोगों को यह नहीं पता चलता कि पुलिस किस तरह से षडयंत्र रच कर लोगों के साथ जघन्य अपराध करती है ।

18 फरवरी, को 40 पुलिस के आदमी सवार हो कर उस गांव को सब तरह से तहस नहस करने पहुंचे । जब षडयंत्र रचा जा रहा था तो उस रात्रि में संयोग से एक पूर्व विधायक मौजूद था जिसकी सूचना उसने बड़े अधिकारियों को दी कि इस तरह की घटना होने जा रही है। इस तरह की रिपोर्ट वहां के सामाजिक कार्यकर्ताओ ने भी लिखाई लेकिन बड़े अधिकारी ने कभी हस्तक्षेप नहीं किया और यह घटना घट गयी । मैं इस बर्बरता-पूर्ण जघन्य अपराध के लिए पुलिस की जो स्थिति बनती जा रही है उसकी तरफ ध्यान दिलाना चाहता हूं । मैं जिक्र करना चाहता हूं दांडी का जहां पर हमारे मंत्री को चोट लगी । मैं किसी दल की बात नहीं कहता । मैं इस बात का उल्लेख करना चाहता हूं कि पुलिस किस प्रकार का बिहेव करती है । वह समझती है सचमुच की यह ताकत उनके हाथ में है, दूसरों के हाथ में नहीं है । यह षडयंत्र की स्थिति कितनी वीभत्स है । अगर मैं एक-एक का वर्णन नहीं करता तो जो इस घटना का उल्लेख होना चाहिए वह उल्लेख नहीं हो पायेगा । 18-2-88 की रात्रि को 65 वर्षीय लालू यादव के घर से बलात्कार हुआ, लूटपाट हुई । भगिमा देवी, 20 वर्षीय के साथ दो सिपाहियों ने बलात्कार किया । एक वर्ष के बच्चे को पटक दिया । कहते हैं कि इसको मर जाने दो दूसरा बच्चा पैदा कर तो रहे हैं । यह पुलिस की बोली है। उसके पति और देवर को पुलिस ने जेल भेज दिया । जयराम यादव के घर में घुस कर, छप्पर तोड़ कर पुलिस ने पांच महिलाओं के साथ बलात्कार किया और उसकी गुदा में लाटी घुमा दी । मैं नहीं समझता कि इस तरह की दर्दनाक घटना और कहीं पर हुई होगी ।

उपसभाध्यक्ष महोदय, मैं इस घटना को एक सम्पूर्ण देश के परिपेक्ष्य में नहीं एक गांव या देहात के परिपेक्ष्य में भी कहना चाहता हूं जहां पुलिस के ठेकेदार मिलकर उस गांव को उजाड़ना चाहते हैं, एक गांव है जिस को पुलिस के अधिकारी षडयंत्र रच करके 40 की संख्या में जाकर रात को 12 बजे घर के किवाड़ तोड़ कर घुस जाते हैं और उनके घर में घुस जाते हैं और महिलाओं के साथ बलात्कार करते हैं। किसी के साथ एक पुलिस ने किसी के साथ दो पुलिस ने और किसी के साथ चार पुलिस ने बलात्कार किया । पांच बेहोश महिलाओं को अस्पताल में भेजा गया । मैं सदन से पूछना चाहता हूं कि क्या इस प्रकार की घटनाएं हमारे देश में होती रहेंगी ? क्या समाज इस प्रकार बलात्कार हुई महिलाओं को स्वीकार करता है ? हमारा जिस प्रकार का समाज है उसमें अगर कोई महिला इस बलात्कार की बात इस प्रकार की कोई बात कहती है तो वह पति की भी नजर में गिर जाती है। कुमारी लड़कियों के साथ अगर बलात्कार हो तो उनके लिए समाज में रहना मुश्किल हो जाता है । कोई भी उनके साथ विवाह करने को स्वीकार करने के लिए तैयार नही होता है । इस प्रकार की हमारे समाज की स्थिति बनी हुई है। मैं समझता हूं कि उन महिलाओं के लिए अपनी अस्मिता गंवा कर जीवित रहना मुश्किल हो जाता है । जब पुलिस वाले ही इस प्रकार का अत्याचार करें तो फिर किस पर भरोसा किया जा सकता है । जब खेत को उसकी रक्षा करने वाला ही चर जाय तो उसकी रक्षा

कौन करेगा ? रक्षक ही भक्षक बन जाये तो फिर समाज का क्या होगा ? जब तक इस व्यवस्था में सुधार नहीं लाएंगे तब तक महिलाओं के ऊपर अत्याचारों को हम रोक नहीं सकते हैं । पुलिस के लोग सिर्फ इस प्रकार के अत्याचार ही नहीं करते हैं, बल्कि अन्य अपराध भी करते हैं । वहां पर सिर्फ चोरी ही नहीं की गई बल्कि पूरे षडयंत्र के साथ उनके घर को लूटा गया । महिलाओं की अस्मिता को लूटा गया, जवानों को पकड़ कर उन्हें पीटा गया । घरों में जो कुछ था वह लूट लिया गया । घर दरवाजा तोड़ दिये गये । मैं नहीं समझता कि इस प्रकार की घटना भारतवर्ष के इतिहास में पहले कभी हुई होगी । सभी पुलिस वालों ने सभी पुरुषों के सामने गैंग के रूप में जघन्य अपराध किये । इसका उदाहरण इतिहास में कोई दूसरा नहीं मिलता है । आज हमारे देश में स्थिति यह है कि इस प्रकार की घटनाएं दिन-प्रति-दिन बढ़ती जा रही हैं । बिहार के मुख्य मंत्री ने पीड़ित परिवारों को एक-एक हजार रुपये देने की घोषणा की । लेकिन क्या अस्मिता को लूटने का यही मूल्य है ? क्या इस रुपये से उनकी अस्मिता वापस आ जाएगी ? पडरिया आज सिसक रहा है । मैं समझता हूं कि ये एक हजार रुपये जले में नमक छिड़कने के समान है । इस रुपये से उनके घरों की मरम्मत नहीं होगी, इस रुपये से उनकी अस्मिता की मरम्मत नहीं होगी । संभव है कि अगर सबस्टेंशियल एमाउन्ट होता, पचास हजार रुपये होते तो शायद उनको कुछ मदद मिल जाती । अपनी अस्मिता खोकर भी वे लोग शायद कुछ कर पाते ।

यहां पर शादी की बात की जाती है । मैं पूछना चाहता हूं कि सरकार ने इस प्रकार के जघन्य अपराधों को रोकने के लिए क्या कदम उठाये हैं पुलिस में क्या सुधार किये हैं ? इस प्रकार के जघन्य अपराधो में जिनमें पुलिस कर्मचारी इन्वोल्व होते हैं, उनके लिए आप क्या उपाय कर रहे हैं ? गरीब हरिजन महिलाओं पर जो इस प्रकार के अत्याचार किये जाते हैं उनको रोकने के लिए आप क्या कदम उठा रहे हैं ? इस प्रकार की दर्दनाक घटनाएं फिर न घटें, इसके लिए आप क्या कर रहे हैं? आप जानते हैं कि माया त्यागी के मामले में जज ने कहा कि इन पुलिस कर्मियों को फांसी की सजा दी जानी चाहिए । उसने यह भी कहा कि इस प्रकार की घटनाओं को रोकने का एकमात्र तरीका यही है कि इस प्रकार के अपराधियों को कठोर से कठोर दण्ड दिया जाय । अगर इनको इस प्रकार का दण्ड नहीं दिया जाएगा तो यह बड़ा अन्याय होगा । मैं यह भी कहना चाहता हूं कि इस प्रकार के जघन्य अपराधों में जिन लोगों के साथ अत्याचार होते है उनको रिहेबिलिटेट करने के लिए भी व्यवस्था हो । इस प्रकार से पीड़ित प्रत्येक व्यक्ति को अगर कम से कम एक लाख पचास हजार रुपये दिये जाये तो शायद उन लोगों को कुछ राहत मिल सकती है । न्यायाधीश इस मामले की जांच करें और इस प्रकार इस केस से निपटा जाये । यही मेरा निवेदन है ।

SHRI M. A. BABY (Kerala): We hope the hon. Minister will give a detailed reply.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): In five minutes. Mr. Vice-Chairman, Sir, since yesterday, we have been deliberating on issues concerning crimes against women. I fully endorse the views but this issue should not be taken as a narrow party political issue, but on the other hand should be considered as a national issue, cutting across party lines. It is a question involving our social and moral values as a nation.

Sir, let me remind hon. Members that this Government, for the first time, established a new Department called the Department of Women and Child Development. My colleague, Mrs. Margaret Alva has already apprised you of many notable achievements made by that Department. While the Department of Women and Child Development will do its best, we need the support of the State Governments to carry out the work. Issues

[Shri P. Chidambaram]

like appointment of Family Courts, Advisory Committees or notifying women's organisations to which references have been made are the responsibility of the State Governments. Unfortunately, not many State Governments have taken action as quickly as we would desire. I sincerely hope that taking note of the views expressed in this hon'ble House, the State Governments will now remedy the situation and take action under the various Acts.

Sir, in the last five or six years, significant progress has been made in the field of legislation regarding the crimes against women. Government have taken action in amending the Indian Penal Code, the Criminal Procedure Code and the Indian Evidence Act suitably by the Criminal Law (Second Amendment) Act, 1983, to deal effectively not only with dowry death cases but also with those of cruelty to married women. A new section 498A has been added to the Indian Penal Code. The offence has been made cognizable. Section 304B, creating a new offence known as "dowry death" has been added to the Indian Penal Code According to the amended section 176 of the Criminal Procedure Code, where death of a woman occurs under suspicious circumstances within seven years of marriage, it has been made mandatory for inquest proceedings to be conducted by a Magistrate. New sections 113A and 113B have been added to the Indian Evidence Act which permit presumptions to be drawn by a court in the case of suicide or dowry death by a married woman.

In this connection, the changes brought about in the law relating to rape deserve special mention. Under a new section 114A of the Indian Evidence Act, in a prosecution for rape, if a statement is made by the concerned woman in her evidence before the court that she did not consent, the court shall presume that she did not consent.

By the Criminal Law (Amendment) Act 1983, section 376 of the Indian Penal Code was also amended to provide for enhanced punishment in cases of custodial rape.

The Dowry Prohibition Act, 1961, has been amended by the Dowry Prohibition (Amendment) Act, 1984, to make the provisions more stringent and effective. By this Act, the offences have been made cognizable, bailable and non-compoundable. A provision has also been made for enhanced punishment for giving or taking a dowry. The minimum punishment for taking or abetting the taing of dowry has been raised to five years from six months and the fine has been raised to Rs. 15,000 from Rs. 5,000. It has also been decided to appoint Dowry Prohibition Officers by the State Governments. These officers will be assisted by Advisory Boards consisting of not more than five Social Welfare Officers, out of whom two shall be women.

As a part of the drive to combat offences against women, detailed instructions were issued by the Home Ministry to all State Governments and Union Territory administrations in 1980 and 1982 about the steps to be taken in all cases of unnatural deaths of married women. Where post-mortem is done, it is required to be done by a team of two doctors. Disposal of the dead body without post-mortem is not to be permitted except with a "no objection" certificate from the police. These are matters in which follow-up action has to be taken by State Governments.

Since today the political reality is that all the parties represented in this House are ruling parties in one State or the other the responsibility devolves upon all of us collectively, and no purpose will be served by one blaming the other.

श्री जगदम्बी प्रसाद यादव : मंत्री जी इस इश्यू को हम लोगों ने . . (**व्यवधान**) जिस दिन यह पडरिया कांड हुआ उसी दिन स्पेशल मेंशन किया था। . . . (**व्यवधान**) अगर उसी पर आ रहे हैं तो ठीक है ।

SHRI P. CHIDAMBARAM: You are referring to the Bihar case. I will answer about the Bihar case.

SHRI V. NARAYANASAMY (Pondicherry): Assam also, Sir.

SHRI P. CHIDAMBARAM: As far as other criminal offences against women such as rape, illegal sale of girls for flesh trade are concerned, the Suppression of Immoral Traffic in Women and Girls Act, 1956 was amended first in 1978 and again in 1986. The Act is now known as the Immoral Traffic (Prevention) Act, 1986.

In the context of the Sati incident at Deorala in Rajasthan the State Government promulgated the Rajasthan Sati (Prevention) Ordinance. A Central legislation was also passed in the last session of Parliament.

The suggestions made by Shrimati Bijoya Chakravarty and Shri Mahesh Sharma regarding setting up of Special Courts and also trial in camera without divulging the names of the complainants are good suggestions. However, we feel that the legal provisions are adequate. What is necessary is that there must be follow-up action. It is for the law-enforcement authorities and the State Governments to see that cases are registered properly, investigated and tried expeditiously. The recent judgement of the Court of the District Judge in Shrimati Maya Tyagi's case illustrates that it is possible to do so in our judicial system notwithstanding the many drawbacks.

Hon. Members have referred to the recent unfortunate incidents in Assam and Bihar. Government fully shares the anxiety and concern of the hon. Members with regard to these two incidents. In Assam on the basis of enquiry, the Director General of Police has placed 10 policemen including the Assistant Sub-Inspector under suspension. Further enquiry is being made by the Inspector General of Police, CID Assam.

As regards Bihar, the entire police raiding party together with the Inspector of Police have been put under suspension, and the allegations are being probed by the State CID. Since the hon. Member referred to this incident and wished for more details regarding the incident at village Pararia of District Deogarh, Bihar, may I say, Sir, the allegations relating to the incidents of looting and gang rape of Harijan women of Pararia are being vigorously looked into by the Government of Bihar. There are conflicting versions. What we learn is that the District Magistrate received information about the alleged rape of five ladies of village Pararia by the raiding police party. The ladies were sent to the hospital for medical examination. The doctor on examination could not substantiate the allegation. A case has however, been registered on the basis of the statement of one of the ladies under section 376 IPC. Government is not saying that these statements are correct or wrong. I am giving both the versions. There are conflicting versions. The ADM, the SP and the Deputy SP were sent to the village to enquire into the matter and maintain peace. The District Magistrate and the Superintendent of Police also visited the village and supervised the matter personally. The Chief Minister of Bihar also visited the place of occurrence along with the Director General of Police. The investigation of the cases are being conducted by the State CID, and the Additional Superintendent of Police has been appointed as investigating officer under the direct supervision of the State CID. The interim report reveals excesses committed by the raiding party. Action against the concerned police officials for excesses committed has been ordered, and the entire raiding party has been put under suspension. The Ministry of Home Affairs has issued detailed instructions in 1980 regarding treatment of women in police custody. The main features of these instructions are, there should be no occasion for a police officer making arrest of a woman to touch her body or person. Further, unless unavoidable no woman should be arrested between sunset and sunrise.

[Shri P. Chidambaram]

Kumari Sayeeda Khatun and Smt. Bijoya Chakravarty stressed the need for having women police officials in police stations. This is a welcome suggestion. The Government of India has encouraged State Governments to recruit more women to the Police force. We ourselves have set an example in Delhi and in the Central Reserve Police. Funds are being released for recruitment of over 2,000 women constables.

We appreciate the concern expressed by hon. Members regarding atrocities committed by Police against women. We accept the fact that Police as protector of citizen should have the confidence of the citizens and specially of women. We need to change the orientation of the police personnel. The attitude of a Policeman towards women is a matter of education and training. Many of them bring their cultural attitudes and ingrained habits from their village backgrounds and from their homes. It is not possible to change all this overnight, but it can be changed by providing education to Police officers and providing training to them. Instructions have already been given that the minimum educational qualification for a policeman to be recruited at the level of Constable should be matriculation. By and large, State Governments have adopted this minimum educational qualification.

The Government of India are aware of the need for giving a new orientation to police training. With this end in view, detailed instructions were issued by the Government of India in February, 1986. The Government of India have introduced a new Code of Conduct and a Code of Behaviour for Police Officers and also laid down courses for imparting training to the newly recruited police officers. Provision has also been made for in-service training courses. These courses lay special emphasis on the need to understand problems of women as well as the other disadvantaged sections of the society.

However, to achieve this we need the assistance of State Governments as 'Police and law and order' are with them. While we have already issued instructions to all the State Governments regarding treatment of women I propose to write to the Chief Ministers about it to share with them the concern expressed by this august House and to request them to cooperate with us in controlling, containing and checking the increasing incidents of crime against women, including that by the Police.

श्री जगदम्बी प्रसाद यादव : माननीय मंत्री जी, जरा सुन लीजिए। पड़रिया में पुलिस अफसर रात को बारह बजे गये, उन्होंने हरेक घर को तोड़ा, हरेक घर को लूटा और 19 महिलाओं के साथ बलात्कार किया। उसमें से पांच महिलाएं बेहोश थीं... **(व्यवधान)**

उपसभाध्यक्ष (श्री जगेश देसाई) : उसकी इन्कवायरी हो रही है।

श्री जगदम्बी प्रसाद यादव : उसमें से पांच महिलाएं डी० सी० के आगे भी गई। दूसरा सवाल जो है, वह यह है कि इन्क्वायरी में जब तक पुलिस अधिकारी वही है— वहां जब तक पुलिस अधिकारी वही हैं, उन्होंने डाक्टर को भी थ्रेटन किया कि तुमको न करनी पड़ेगी और उस षड्यंत्र की स्कीम थाने में रची जा रही थी।

एक पूर्व विधायक ने इसकी सूचना बड़े अधिकारियों को दी, सामाजिक कार्यकर्ता को भी दी और आप कह रहे हैं.... **(व्यवधान)**

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You can pass on to the State Government.

श्री जगदम्बी प्रसाद यादव : सेंट्रल गवर्नमेंट का जो स्टेटमेंट है, उसी स्टेटमेंट का अर्थ यह हुआ कि सेंट्रल गवर्नमेंट भी

पुलिस को संरक्षण देना चाहती है । इस मामले में बिहार सरकार ने जो एक्शन लिया है, शायद वह भी आपको पता नहीं है ।

SHRI P. CHIDAMBARAM: I did not say that.

श्री जगदम्बी प्रसाद यादव : वहां कई पत्रकार गये हैं, बड़े-बड़े नेता गये हैं... (व्यवधान) मैं किसी पार्टी की बात नहीं करता हूं... (व्यवधान) आप का जवाब ठीक नहीं है । विरोध में सदन का त्याग करता हूं ।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The House now stands adjourned to meet on Monday, the 21st March, 1988 at 11 A.M.

The House then adjourned at twentynine minutes past seven of the clock till eleven of the clock on Monday, the 21st March, 1988.